

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket Number: A01014

In re application of: John Michael Friel

Group Art Unit: 3627

Serial No.: 09/766,435

Examiner: Lynda C. Jasmin

Filed: 07/14/2001

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MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JAN 25 2005

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.313

Sir:

This is a petition to withdraw application number 09/766,435 from issue. This petition is being made under 37 CFR § 1.313, which states, in relevant part:

(a) Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary...

(c) Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except: ...

(2) consideration of a request for continued examination in compliance with § 1.114.

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Applicants timely paid the issue fee for the application on August 23, 2004. Applicants are filing this petition, along with a request for continued examination in compliance with 37 C.F.R. § 1.114, which states, in relevant part:

If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:
(1) Payment of the issue fee, unless a petition under § 1.313 is granted.

Applicants are filing a submission, in the form of a supplementary information disclosure statement, and the requisite fee set forth in § 1.17(e), along with the request for continued examination. The Commissioner is authorized to charge \$130.00 petition fee to Deposit Account No. 18-1850, and to charge any additional fees or credit any overpayments

Applicants respectfully requests a grant of this Petition.

Respectfully submitted,



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Date: January 24, 2005
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